

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

106
DOCKET #
SEP - 4 2002

NEIL GAIMAN and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC. MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

FILED
JOSEPH W. SKUPNIEWITZ CLERK
CASE #

FINAL PRE-TRIAL
CONFERENCE ORDER
02-C-048-S

Final pre-trial conference and McFarlane defendants' Motion to Downgrade the Designation of Plaintiffs' Marvel Comics Deal Documents from "Confidential - Attorneys Eyes Only" to "Confidential" was held in the above entitled matter on September 3, 2002, the plaintiffs having appeared by Foley & Lardner by Jeffrey A. Simmons and Alan A. Arntsen and by Kenneth F. Levin and Associates by Kenneth F. Levin; defendants Todd McFarland, Todd McFarlane Productions, Inc., TMP International, Inc. and McFarlane Worldwide, Inc. by La Follette, Godfrey & Kahn, S.C. by Eugenia G. Carter and Gabriel S. Gross and by Blackwell Sanders Peper Martin, LLP by Michael A. Kahn; defendant Image Comics Inc. by Brobeck, Phleger & Harrison by R. Scott Feldmann. The Hon. John C. Shabaz, District Judge, presided.

Copy of this document has been
provided to: Simmons, Carter,
Levin, Kahn + Feldmann
this 4th day of Sept 2002
by V. McNeal
V. McNeal, Secretary to
Judge John C. Shabaz

ORDER

IT IS ORDERED that jury selection previously scheduled for September 30, 2002, and bifurcated trial to a seven person jury previously scheduled for October 2, 2002, at 9:00 A.M. are AFFIRMED, counsel to meet with the Court on each of said days at 8:30 A.M. to resolve issues pending trial.

IT IS FURTHER ORDERED that counsel may serve and file not later than noon September 13, 2002, motions to be considered by the Court prior to trial, narrative deposition summaries of not more than five pages duration for those witnesses not available for trial together with the depositions and shall serve and file a copy of each contested exhibit together with justification for the receipt thereof by the offeror.

IT IS FURTHER ORDERED that counsel may serve and file not later than noon September 20, 2002, responses to pending motions, responsive narrative deposition summaries of not more than five pages duration, objections to contested exhibits by opposing counsel and shall serve and file proposed voir dire, form of special verdict and jury instructions.

IT IS FURTHER ORDERED counsel may serve and file not later than noon September 25, 2002, replies to those responses referred to herein.

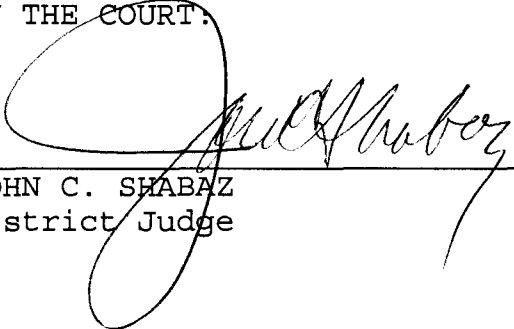
Neil Gaiman et al. v. Todd McFarlane et al.
Case No. 02-C-048-S

IT IS FURTHER ORDERED that a hearing is scheduled for September 27, 2002, at 2:00 P.M. to resolve those issues pursued by the filings referred to herein.

IT IS FURTHER ORDERED that McFarlane defendants' Motion to Downgrade the Designation of Plaintiffs' Marvel Comics Deal Documents from "Confidential - Attorneys Eyes Only" to "Confidential" is GRANTED upon plaintiffs' agreement to abide by confidentiality provisions thereof and those sanctions for not so doing.

Entered this 3rd day of September, 2002.

BY THE COURT:



JOHN C. SHABAZ
District Judge

OFFICE OF THE CLERK

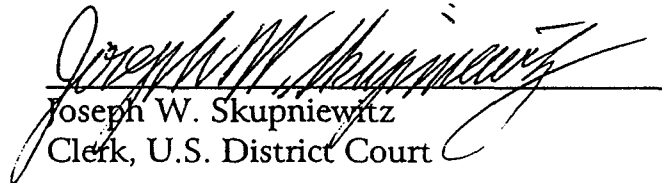
UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

120 North Henry Street, Room 320 • P.O. Box 432 • Madison, WI 53701-0432 • 608-264-5156

MEMO TO COUNSEL

If a case is settled on the weekend before trial, the court should be notified immediately by calling at home either Clerk of Court Joseph W. Skupniewitz, 608 935-0625, or Chief Deputy Warren H. Nelson, 608 222-8476. This notification will enable the Clerk to call off unneeded jurors and to advise the trial judge to discontinue working on the case. The same procedure should be followed to report last-minute emergencies which might affect the start of the trial.


Joseph W. Skupniewitz
Clerk, U.S. District Court